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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/579,733 12/28/95 NOBUTA

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005514 LM31/0916  
FITZPATRICK CELLA HARPER & SCINTO  
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EXAMINER

WALLERSON, M

ART UNIT

PAPER NUMBER

2722

DATE MAILED:

09/16/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

# Office Action Summary

Application No.  
**08/579,733**

Applicant(s)  
**Hiroshi Nobuta et al**

Examiner  
**Mark Wallerson**

Group Art Unit  
**2722**



☒ Responsive to communication(s) filed on Jun 28, 1998

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 24, 26, 27, 29, and 57-59 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 24, 26, 27, 29, and 57-59 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☒ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☒ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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### **Part III DETAILED ACTION**

#### ***Notice to Applicant(s)***

1. This action is responsive to the following communications: amendment filed on 6/28/98.
2. This application has been reconsidered. Claims 24, 26, 27, 29, and 57-59 are pending.

#### ***Response to Amendment***

3. Applicant's arguments with respect to claims 24, 26, 27, and 29 have been considered but are deemed to be moot in view of the new grounds of rejection.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 24, 27, 57, and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Kita et. al. (Kita) (U. S. 5,021,892).

With respect to claims 24 and 27, Kita discloses an image processing device comprising a scanner for inputting an image signal (part 60, figure 3); an image processing circuit (block 56) for performing image processing on the image signal output from the scanner (column 5, lines 33-

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37); a bidirectional interface (block 5) for transmitting the image signal input by the scanner to a personal computer (block 8 and column 3, lines 40-42), the external computer performing image processing necessary on the image signal (column 3, lines 46-48) to provide a second processed signal which is outputted to the bidirectional interface (column 5, lines 67-68); and output means (which reads on recording unit 3) for outputting the processed image signals, wherein in a first mode, (IMAGE INPUT function and IMAGE PRINT function) (column 6, line 68 to column 7 line 7), the scanner (2), bidirectional interface (5) and output means (3) performs copying based on the second processed image signal (column 6, line 68 to column 7 line 7), and in a second mode (COPY function) (column 6, line 50) the printer performing copying based on the first processed signal (column 2, lines 29-33 and column 6, lines 50-55).

With respect to claim 57, Kita discloses that the output means (3) includes a bidirectional interface (66).

With respect to claim 59, Kita discloses a density adjusting feature (figure 2, part 25).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. Claims 26 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Kochis et. al. (Kochis) (U. S. 5,218,458).

Kita differs from claims 26 and 29 in that he does not clearly disclose that the computer has a modem capable of receiving and processing image data from the interface, and transmitting the data to a public telephone line. Kochis discloses a system that transmits a data file between two computer systems via a telephone line (110, figure 1), utilizing PC fax cards (which reads on a modem) (column 2, lines 53-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kita wherein the computer would have a modem capable of receiving and processing image data from the interface, and transmitting the data to a public telephone line. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kita by the teaching of Kochis in order to be able to transfer files between computer systems as taught by Kochis in column 1, lines 6-7.

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claim 58 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kita in view of Kenmochi et. al. (Kenmochi) (U. S. 5,900,947).

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Kita differs from claim 58 in that he does not clearly disclose that the scanner generates a color image signal. Kenmochi discloses a communications apparatus wherein a color reading unit may be utilized (column 11, lines 63-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kita wherein the scanner would generate a color image signal. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified Kita by the teaching of Kenmochi in order to output color data to the personal computer as disclosed by Kenmochi in column 12, lines 1-3.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark Wallerson whose telephone number is (703) 305-8581.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, DC 20231

or faxed to:

(703) 308-9051 (for formal communications intended for entry)

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(703) 308-9589 (for informal or draft communications, such as proposed amendments to be discussed at an interview; please label such communications "PROPOSED" or "DRAFT")

or hand-carried to:

Crystal Park Two  
2121 Crystal Drive  
Arlington, VA.  
Sixth Floor (Receptionist)

**MARK WALLERSON**  
**PATENT EXAMINER** 

Mark Wallerson

  
**EDWARD COLES, SR.**  
SUPERVISORY PATENT EXAMINER  
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